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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46	7867
7	590 08/03/2005	EXAMINER		
	DSTONE RESTAINO	RUDY, ANDREW J		
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP 163 MADISON AVENUE			ART UNIT	PAPER NUMBER
P O BOX 1989			3627	
MORRISTOW	N NI 07962-1989			

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exhibitions of an empty be arealized under the provisions of 37 CPR 1.3(s), In no event, however, may a reply be timely filed  If the period for reply specified above is less than britiny (39) days, a reply within the statulary minimum of britiny (30) stays will be considered timely.  If the period for reply specified above is less than britiny (39) days, a reply within the statulary minimum of britiny (30) MONTHS from the mailleg date of this communication from the replacement of the communication from the period of the period for reply specified above is less than britiny (30) days, a reply within the statulary minimum of britiny (30) MONTHS from the mailleg date of this communication.  Any reply resolved by the Office later than three moreths after the mailing date of this communication, even if timely filed, may reduce any sealed patent term adjustment. See 37 CFR 1.704(b).  Status  1) Seponsive to communication(s) filed on 20 May 2005.  2a) This action is FINAL.  2b) May 2005.  2a) This action is FINAL.  2b) May 2005.  2a) This action is finance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 65-73 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5] Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are allowed.  Claim(s) is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The post provided the provided provided to the drawing(s) bould in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  2) Acknowledgment is made of a cla		Application No.	Applicant(s)				
Andrew Joseph Rudy	Office Action Commons	09/476,448	BRESLOW ET AL.				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions of time may be availated under the provisions of STCR1.13(a). In no event, however, may a riply be limely filled  Extensions of time may be availated under the provisions of STCR1.13(a). In no event, however, may a riply be limely filled  Extensions of time may be availated under the provisions of STCR1.13(a). In no event, however, may a riply be limely filled  If the period for riply specified above is less than thirty (30) days, as they are all the period for riply specified latticy period village) and will expire StQ. MONTHS from the ambling date of this communication.  Fairur to riply whitin the set or estended period for riply vill. by statistic cause the application to become ABANDONED (35 U.S.C.§ 133).  Called This action is FINAL.  1/2 Responsive to communication(s) filled on 20 May 2005.  2a) This action is FINAL.  2b) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4/2 Claim(s) 65-72 is/are pending in the application.  4/3 Of the above claim(s) is/are allowed.  6/3 Claim(s) 65-72 is/are rejected.  7/3 Claim(s) is/are allowed.  6/4 Claim(s) 65-73 is/are rejected.  7/4 Claim(s) is/are objected to by the Examiner.  1/4 Disposition of Claims  9/4 The specification is objected to by the Examiner.  1/5 The application Papers  9/5 The specification is objected to by the Examiner.  1/6 The drawing(s) filled on is/are: all accepted or blog objected to by the Examiner.  1/7 Claim(s) is/are objected to by the Examiner.  1/8 Paper Replication is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3/4 The application from the international Bureau (PCT Rule 17.2(a)).  * See the a	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enterprises of time rays to predable a unifer the provisions of 37 CFR 1.38(s), in no event, however, may a reply be timely flied.  If the period for reply secretical shows, the maximum statutory parted will apply and will expire SEX (5) MONTH'S from the mailing date of this communication or play secretical shows is less than thing (3) days, an always and will expire SEX (5) MONTH'S from the mailing date of this communication or play secretical shows. The mailing date of this communication, and the provision of the mailing date of this communication, even if threely filed, may reduce any search and patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 20 May 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 65-73 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to by the Examiner.  Claim(s) is/are objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  The oath or declaration is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See							
THE MAILING DATE OF THIS COMMUNICATION.  Entensions of time may be waited under the provision of 37 CFR 138(e), In no event, however, may a reply be timely filed after SX (6) MOSTITS from the mailing date of this communication. Since the TX (6) MOSTITS from the mailing date of this communication. Since the TX (6) MOSTITS from the mailing date of this communication. Part of the TX (6) MOSTITS from the mailing date of this communication of the TX (6) MOSTITS from the mailing date of this communication of the type of type of the type of type of the type of the type of the type of the type of the type of ty	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
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2a)  This action is FINAL.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 65-73 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  65-73 is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: all accepted or b∫ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  Paper Note)/Mail Date	Status						
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4)	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) 65-73 is/are rejected.  7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Disposition of Claims						
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Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	9) The specification is objected to by the Examine	r.					
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11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		= : :					
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	<ul> <li>2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ul>	Paper No(s)/Mail Da 5) Notice of Informal P	nte				

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#### **DETAILED ACTION**

#### Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 20, 2005 has been entered. Claims 65-73 are pending.
- 2. The previous rejection is withdrawn pursuant to Applicant's May 20, 2005 Amendment and REMARKS.

## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 65-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al., US 6,018,722.

Ray discloses a real-time, e.g. col. 6, line 42, computer based system for trading financial instruments comprising a brokerage interface, e.g. 235, a server, e.g. 215, a mainframe computer, e.g. 245, a trading system, e.g. 230, a financial advisor computer, e.g. 200. It is noted that Applicant's claim language is replete with intended use claim language, e.g. for trading financial instruments, for (1) transmitting . . . orders. Intended use claim language is given patentable weight. However, it is less than that of positively recited claim language, e.g. a computer based system. Nonetheless, Ray is deemed able to carry out Applicant's intended use claim language. Applicant's May 20, 2005 REMARKS have been reviewed, but are moot in light of the new ground of rejection.

5. Further pertinent references of interest are noted on the attached PTO-892.

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy Primary Examiner

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